FOR MYSORE STATE

Home (1954) Department

RA SERIES.

G.O. No. 3300

Passed

Dated 12-11-54

[Despatch Abstract.]

Kasaragod, 10th AUG 1954.

From :

B. V. Krishna Bhat,
s/o Venkateshwara Bhat,
Residing at Baje, Muliyar I village,
P.O.Muliyar, Kasaragod, S.K.District.

To

The Secretary to Government,
Home Department,
Fort St. George,
Madras -9.

111663

ASSISTANT SECRETARY TO GOVERNMENT
20 AUG 1954
HOME DEPARTMENT

P154

Sir,

Sub : Arms Act - Kasargod Taluk - Muliyar I and II villages - Gun Licence grant of - Rejection orders - Appeal submitted.

Ref : 1. Proceedings of the District Magistrate of South Kanara M.L.Dis.7298/53 d.15.12.53.

2. L.Dis. L.735/54 d.14.4.54 of the Office of the Board of Revenue, Madras.

Being highly aggrieved with the orders of the Office of the Board of Revenue in Ref. 2 cited above, I beg to submit this Appeal to you on the following among other grounds

2. I submit that I am a landholder and cultivator in Muliyar I village. I pay a Government Assessment of Rs.15/- per year I own 6 muras seed area fields which are cultivated by me and 3 acres of cocoanut plantation. I also raise essential crops and vegetables.

3 Round about my properties and residential house there are Muliyar Reserve Forests wherein abode wild animals such as Tigers, Boars, Monkeys, Bandicoots, etc. These wild animals are constantly tampering the crops raised by me at heavy costs and occasion me heavy loss.

4. I also own many herds of cattle both for my cultivation purposes as well as for milking. The aforesaid wild animals are trying to lift away the said cattle and also are terrorising the inhabitants of my house.

5. Under these circumstances it has become expedient and

necessary for me to own and use a firearm both for the protection of crops raised by me as well as to safeguard the lives of my live stock and members of my house.

6. I therefore applied to the District Magistrate of South Kanara for a gun licence to own and use a S.B.B.L. gun within the villages of Muliyar I and II in Form XIX through my petition dated 28.8.1953. The petition was enquired into by the Revenue Inspector, Kasaragod and my statement was obtained by him on 15.9.1953. The Revenue Inspector was satisfied with my necessity of a licence and I think he might have recommended the grant of licence in my case. He had absolutely no objection for the same.

7. Police enquiry was held somewhere in October 1953, and my conduct etc., were enquired into and were reported by the Police. My conduct and antecedents are very good. I am not a member of any of the Anti-Government parties and I have not been convicted in any criminal cases and hence, I feel that there may not be any room for any sort of objection for the grant of licence from the police department also.

8. The District Magistrate of South Kanara has rejected my petition as per his proceedings M.L.Dis.7298/53 d.15.12.53. Against this order of the District Magistrate of South Kanara, I appealed to the Board of Revenue, Madras, as per my petition dated 1.3.1954. But unfortunately for me, the Revenue Board has also rejected my appeal petition as per their order L.Dis. L. 735/54 d.14.4.1954.

9. I now beg to submit to you, Sir, that I am sustaining heavy loss due to the wild animals and it is not possible for me to live in the village. The District Magistrate of South Kanara, and the Board of Revenue, Madras, have not helped me in any way. Under the circumstances, I humbly

I request you Sir, to be so kind enough to set aside their orders and grant me a licence to own and use a S.B.B.L. gun within the villages of Muliyar I and II in Form XIX, considering all the aspects of my petition. The original copy of the order of the Board of Revenue is enclosed herewith for your kind perusal and information.

Awaiting for your early favourable orders.

Yours faithfully,

B.V. [illegible]

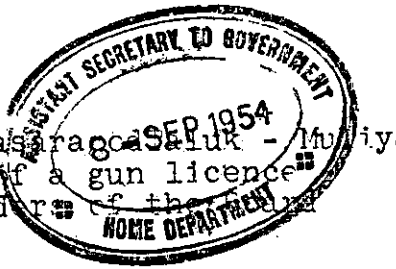
Home Dept

25/26/56 End No 111663 Pol III/54-1 Dated 26/8/54

Referred to the Board of Revenue, Madras for remarks to be submitted not later than 11/9/54 along with the connected records

To The Bd of Revenue
(Encl with a copy of pp 1-3 above)

REVENUE DEPARTMENT.
SUBJECT.



Arms Act and Rules - South Kanara District - Kasaragod Taluk - Mudiyar I and II villages - Application for the grant of a gun licence - Rejected - Appeal to Government against the orders of the Board of Revenue - Report called for.

Board's Ref.L.2314/54-1 Station:Madras Date:6/9/54

Sri V.N.Kudva, I.C.S., Commr. of Commercial Taxes and Custodian of Evacuee Property.

Sri K. Surpa Menon, I.A.S., Secretary, Civil Supplies.

119415

Read: Pd : L.Dis.L.735/54 dt., 14.4.54.
Government Endorsement No.111663-Police III/54-1 Home dt.26.8.54

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1 xx xx xx xx

2. The Board submits that the Collector of South Kanara has been addressed for submission of the connected ~~the~~ records and that its report will be sumitted soon after the receipt of the Collector's report.

For Secretary.

To the Secretary to the Government, Home Department, (Para 2 only)
To the Collector of South Kanara (Para 1 only)

plk-6/9

8

Home Dept →

Please see the letter from the ~~Collectors~~ Bd of Revenue, Madras on priority. Further report from the Board of Revenue may be awaited till 1-10-54

9/9/54

11.9.54

20.9.54

CNo 11663/54

5/10/10

Home Dept

Memo No 11163 Pol III/54-2 Dated 9.10.54

Arms Act and Rules .. South Kanara Dt - Kasaragod Tk Kutiyar Village — Application from Sri. B.V. Krishna Bhat for gun license — Rejected — Petition to Govt

Ref:- From the Bd of Revenue letter No Rev L 2314/54 dated 6-9-54

The attention of the Bd of Revenue is invited to the reference cited and it

(PTO)

7. 10

is requested to State when the report referred to therein may be expected

RD 8/10/54

8.10.54.

9/10/54

To

The Board of Revenue (CTD) Madras

(CRD 26-10-54.)

12/10

ASSISTANT SECRETARY TO GOVERNMENT
6 - OCT 1954
HOME DEPARTMENT

Revenue Department
subject

Arms Act and Rules - South Kanara District - Kasaragod taluk Muliyar I and II villages - application for the grant of a gun licence - Rejected - Appeal to Govt. against the orders of the Board - report submitted.

Station:Madras Ref.L.2314/54-2 Dt.29-9-54

From Sri T.N.S. Raghavan I.C.S. Commr. of Commercial Taxes
Sri K. Suppa Menon I.A.S. Secretary, Suppa Menon.

Read: Govt. Endt. No.111663 - Police III/54-1 Home dt. 26-5-54
Addl. Dt. Magistrate (I) S.Kanara Ref.C.No.5783/54 C5. dated 14-9-54

130837

REFERENCE

Submitted to Government

2. The Board's L.Dis.L.735/54 dated 14-4-54 in which the appeal was disposed of is submitted.

For Secretary.

To
The Secretary to Government,
Home Department.

with records
1. Board's L.Dis.L.725/54
2. Collector's L.Dis.7298/53
3. Collectors M.D.Dis.1850/54

Copy of the letter No. Ref.C.5783/54 G5 dated 14-9-54 from the Dist. Magistrate to the Secretary to the Board of Revenue.

Arms Act and Rules - S.K. District - Kasargod Taluk Muliyar village - Application for the grant of a Gun licence - appeal to Government - Report submitted.

Board's Ref.L.2314/54.1 dated 6-9-54

This is an appeal against the orders in my M.L.Dis. 7298/53 dated 15-12-53 and the Board's order L.Dis.L.735/54 dated 14-4-54, rejecting the request of the petitioner for a Gun licence.

2. The original petition of the appellant dated 28-8-53 was got enquired into through the Revenue and Police officials It was found that the appellant was not really in need of a weapon hence his petition was rejected in my order M.L.Dis.7298/53 dated 15-12-53.

3. The appellant is about 40 years. He is managed all these years without a firearm. There are 131 Gun Licences in Muliyar Village. The Appellant's brother, holder of Gun Licence Kasargod

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158/10 XIX is residing within a mile of the appellant's house. There is another licensee also nearby. I agree with the Dist. Superintendent of Police who did not recommend the issue of a Gun Licence to the Petitioner. The appeal preferred by the appellant before the Board of Revenue was also rejected in its order L.Dis.L.735/54 dated 14-4-54.

4. The records of my M.L.Dis.7298/53 (pages 1 to 16) and M.D.Dis.1850/54 (pages 2 plus 6) are enclosed.

(True copy)

For Secretary.

S.S/309

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Home Dept

F. No 11663/54

Previous proceedings — nil

No 3614
11/2/57

GoRt No 3360 — Dated 12.11.57

Arms Act and Rules — South Kanara Dt — Kasaragod Tk — Muliyar I Village — Petition from Sri. B.V. Krishna Bhat — License to possess a gun — Petition rejected

Read — From Sri. B.V. Krishna Bhat petition dated 10-8-54

From the Bd of Revenue letter No Rev.L.2314/54-2 dated 29-5-57

The petition of Sri B.V. Krishna Bhat is rejected. The copy of the proceedings of the Bd of Revenue

121

L Dis L 735/54 dated 14-11-54 received with the petition cited returned to the petitioner

2 The records received from the Bd of Revenue, Madras are returned.

Pro
14/11/54

14.11.54.

14/11/54

(2-11-54

Pro: B.V. Krishna Bhat

S/o Venkatesh Surana

Baje, Thuliyar I Vil

P.O; Thuliyar, Kasaragod

S. Kanara Dt (with copy of original)

Board of Revenue, Madras with records at ©

Copy to the Collector South Kanara.

add for (copy to S.E.)

C No 111663/54

Home Department.

Arms Act and Rules - South Kanara Dt. - Kasaragod Taluk - Muliyar I and II Villages Petition from Sri B.V. Krishna Bhat - Rejected by the A.D.M. South Kanara - Appeal dismissed by the Board of Revenue - Petition to Govt.

From Sri B.V. Krishna Bhat petition dated 10-8-54.
Issued as Endt. No. 111663 Police III/54-1 dated 26-8-54.
From the Board of Revenue, letter No.REF.L. 2314/54-2 dated 29-9-54.

Sri B.V. Krishna Bhat Son of Venkateshwara Bhat residing in Muliyar I Village, Kasaragod Taluk (South Kanara Dt.) has submitted a petition to Govt. requesting to set aside the orders of the D.M. South Kanara rejecting his application for grant of a gun licence, and of the Board of Revenue rejecting his appeal against the order of the D.M, and to grant him a licence for an S.B.B.L. gun for use within Muliyar I and II Villages.

For the reasons adduced by the petitioner in favour of his request, please see paras. 2-7 and 9 on pp.1-2 c.f. The order of the D.M. South Kanara rejecting the petitioner's application for a gun licence is at p.15 of (U). The Board's order rejecting the appeal is at p.9 of (I).

2. The petition was referred to the Board of Revenue for remarks. The Board was also asked to send the connected records. The Board has forwarded the remarks of the A.D.M. (I), South Kanara on the petition and the connected records of the case.

3. The grounds adduced by Sri B.V. Krishna Bhat are --

(1) that he is a land holder and cultivator in Muliyar-1 Village raising essential crops and vegetables, owning 6 muras seed area fields and 3 acres of coconut plantation and also herds of cattle for cultivation and milking purposes; and

p.t.o.

(ii) that his properties and residential house are surrounded by Muli,ar Reserve Forest in which there are wild animals such as tigers, Boars, monkeys etc which constantly raid the crops raised and lift away cattle and terrorise the inhabitants in the house; he is thereby put to heavy loss and hardship.

3. From the records forwarded by the Board, it is observed that after making necessary enquiries, the R.I., the Tahsildar and the S.I. of Police recommended the grant of a licence. The D.S.P. South Kanara did not recommend the grant of a licence for the following reasons, namely:--

There are 69 gun licences in Muliyar I village and 62 Gun licences in Muliyar II Village. Petitioner's direct brother, one Sri B.V. Subramania, holder of G.L. No. 158/10 Kas. XIX is residing within a distance of one mile from his house. There is another licensee also nearby. ~~Under the circumstance the grant of Gun licence to the petitioner is not recommended.~~ The D.M. Considered there was no real need for a gun licence for the petitioner and rejected the application On the appeal preferred by the petitioner against the D.M.'s orders, the Board called for the connected records and after going through them saw no reasons to interfere with the D.M.'s orders and rejected the appeal.

In the report of the A.D.M. (I.) South Kanara forwarded by the Board with reference to the present petition at pp.1-2 c.f., the A.D.M. has stated that the original application of the petitioner d. 28-8-53 was got enquired into through the Revenue and Police officials and that it was found that he was not really in need of a weapon. The A.D.M. has also stated that the petitioner is about 40 years, that he has managed all these years without a fire arm and has reiterated

the reasons given by the D.S.P. at X ~~above.~~ on p2 ante

Please see also the note of the Secretary, Board of Revenue at p.2 n.f. of (I).

4. Under rule 41 of the Indian Arms Rules, an appeal ~~lies~~ lies to the Board of Revenue against the orders passed by the licensing authority refusing to grant a licence. There is no provision for a second appeal to Govt. under the rules. Since the petitioner has already exhausted his right of appeal it is for orders whether the petition may be rejected.

6/11/54

8.11.54

10/11/54

14/11/54

A draft order is submitted for approval

14/11/54

14.11.54

Issued as G.O.Rt.No. 3360 Home dated 24.11.54